

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KAREN GOLDBERG, et al.,

Plaintiffs,

- against -

ORDER

UBS AG,

CV 2008-0375 (CPS) (MDG)

Defendant.

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This order recapitulates the findings and rulings made on the record at a hearing on December 22, 2008 on plaintiffs' letter motion dated December 1, 2008 to compel responses to plaintiffs' forum non conveniens-related (FNC) document requests. See ct. doc. 49. The requests at issue concern, among other things, the location of documents as to transactions conducted by entities or persons that are non-customers of defendant UBS. Plaintiffs also seek to conduct a Rule 30(b)(6) deposition of a witness, or witnesses, who may have knowledge of various enumerated topics cover regarding the policies and practices of UBS branches in the United States, Switzerland and Israel as to its compliance with and enforcement of bank secrecy, anti-money laundering, and anti-terrorism laws.

As the court observed, information regarding non-customers of UBS, may, under certain circumstances, be relevant to plaintiffs' claims, even in the absence of allegations in the complaint as to such non-customers. Thus, discovery regarding the location of documents and witnesses knowledgeable about non-customers, as well

as documents pertaining to UBS operations, policies and practices outside the United States may be proper.

This Court is sensitive to defendant's concern that FNC discovery not be converted into wide-ranging and burdensome discovery on the merits of plaintiffs claims. However, the plaintiffs' lack of information generally regarding UBS's operations has impeded the formulation of meaningful (and limited) FNC discovery regarding the location of documents and witnesses concerning the policies and practices related to the claims asserted herein. Accordingly, this Court directs UBS to provide a witness pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure who is able to testify as to certain general policies and practices set forth in the narrowed list of Rule 30(b)(6) topics which the parties have submitted following the conference and is filed herewith as attachment 1. After the deposition, the parties must confer on the formulation of revised interrogatories or document requests designed to elicit information regarding UBS's operations in Switzerland and Israel in order to avoid the need for a deposition.

In sum, plaintiffs' motion is granted in part and denied in part without prejudice to its renewal.

SO ORDERED.

Dated: Brooklyn, New York
December 24, 2008

/s/ _____
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE